

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HEATHER STANLEY,

Defendant.

Case No. 1:20-cr-00045-JLT-SKO

ORDER DENYING DEFENDANT'S MOTION
COMPASSIONATE RELEASE
(Doc. 80)

Heather Stanley, a former attorney, was convicted of tax evasion after stealing millions of dollars from her clients. The Court imposed a sentence of 15 months of incarceration rather than the 30-month Guideline sentence recommended by probation (Doc. 62-1) and the government (Doc. 65) based largely on her significant medical conditions. The Court also granted Ms. Stanley voluntary surrender.¹ Now that the date for her surrender is imminent, Ms. Stanley seeks to have the Court, in essence, reconsider its judgment. For the reasons discussed below, the motion is **DENIED**.

I. RELEVANT BACKGROUND

As noted above, the Court granted Ms. Stanley voluntary surrender. (Doc. 74) She is obligated to report to the facility designated by the Bureau of Prisons no later than January 31, 2025. (Doc. 79). On December 24, 2024, Ms. Stanley filed a motion seeking compassionate release. (Doc. 80) She

¹ The parties stipulated to extend the surrender date (Doc. 78).

argues that her various medical conditions should justify the Court taking the action she seeks. *Id.* The government opposes the motion and notes that because she has not yet entered the custody of the BOP, she is ineligible for compassionate release and Ms. Stanley's motion. (Doc. 81)

II. ANALYSIS

A. Ms. Stanley is not eligible for compassionate release

A court generally "may not modify a term of imprisonment once it has been imposed." 18 U.S.C. § 3582(c); *see also* *Dillon v. United States*, 560 U.S. 817, 824 (2010) ("[A] judgment of conviction that includes [a sentence of imprisonment] constitutes a final judgment' and may not be modified by a district court except in limited circumstances."). Those limited circumstances include compassionate release in extraordinary cases. *See United States v. Holden*, 452 F. Supp. 3d 964, 968 (D. Or. 2020). Under the First Step Act of 2018, imprisoned defendants may bring their own motions for compassionate release in the district court. 18 U.S.C. § 3582(c)(1)(A). A defendant bears the burden of "establish[ing] his eligibility for compassionate release." *United States v. Wright*, 46 F.4th 938, 951 (9th Cir. 2022).

Even still, the defendant must have entered the BOP's custody before she is eligible for consideration for compassionate release, as noted by the government. In *United States v. Fower*, 30 F.4th 823, 826 (9th Cir. 2022), the Court held that a court's authority to reduce the unserved a term of imprisonment, "presupposes that a defendant would be in custody before the unserved portion of his term can be reduced." *Id.* at 826. The Court continued, "Plausibly, a defendant's unserved portion can only be reduced if his term of incarceration has commenced." *Id.*

Likewise, a court cannot convert a term of incarceration into a term of home confinement because, "Although the compassionate release statute, 18 U.S.C. § 3582(c)(1)(A), allows a court to reduce a defendant's term of imprisonment, it does not authorize a judge to alter the location of a prisoner's confinement, a matter committed to the discretion of the Bureau of Prisons. *United States v. Ceballos*, 671 F.3d 852, 855 (9th Cir. 2011) (per curiam) ("While a [district court] judge has wide discretion in determining the length and type of sentence, the court has no jurisdiction to select the place where the sentence will be served. Authority to determine place of confinement ... is delegated to the Bureau of Prisons.") (quoting *United States v. Dragna*, 746 F.2d 457, 458 (9th Cir. 1984) (per

curiam) (alteration in original)).” *Fower* at 826.

B. Ms. Stanley has not demonstrated extraordinary and compelling reasons why the relief should be granted

Even had Ms. Stanley demonstrated her eligibility for compassionate release, the Court would not find that there are extraordinary and compelling reasons to justify the relief sought. The Court recognizes the authority under U.S.S.G. 1B1.13(b)(1) that certain medical conditions may warrant compassionate release and recognizes that Ms. Stanley has many serious medical conditions. However, the Court considered all of the medical conditions from which she suffered at the time it sentenced her. As pointed out by the government, and conceded by Ms. Stanley, her new conditions, likewise do not warrant the relief sought. Though there is concern for her breast condition, she does not have breast cancer as originally represented and there is no showing that her meniscus/ACL tear is such that the BOP cannot properly treat her. Though she will not receive the medical treatment of her choosing—such as treatment at John’s Hopkins—her inability to receive treatment at this elite facility does not constitute either an extraordinary or a compelling reason why she should be relieved of her obligations under the Court’s judgment. Indeed, most people cannot afford such treatment. Medical conditions that the BOP can manage, even if there is higher quality care available elsewhere, does not justify release from incarceration. If it did, the compassionate release doctrine would create a special class of inmates for whom release would be warranted: the rich and those who have high quality medical insurance. The Court refuses to accept that this is the law.²

In sum, Ms. Stanley has failed to establish that her medical circumstances qualify for relief

² *United States v. Ayon-Nunez*, 2020 WL 704785, at *2-3 (E.D. Cal. Feb. 12, 2020) ([C]hronic conditions “that can be managed in prison are not a sufficient basis for compassionate release,” and if defendant receives sufficient medical care while in prison, then his health issues do not present an “extraordinary” or “compelling” reason to grant compassionate release); *United States v. Esparza*, 2024 WL 216558, at *2 (E.D. Cal. Jan. 19, 2024) (denying compassionate release where defendant presented stage 4 kidney disease, diabetes, high cholesterol, and high blood pressure that were being monitored and treated by the BOP); *United States v. George*, 2022 WL 17812892, at *3 (E.D. Cal. Dec. 19, 2022) (finding that a diagnoses for chronic conditions that were being monitored and treated did not establish extraordinary and compelling reasons for compassionate release); *United States v. Aguilar-Cortez*, 2022 WL 118407, at *1 (E.D. Cal. Jan. 12, 2022) (denying compassionate release of defendant suffering from chronic conditions based in part on BOP’s ability to treat his medical conditions); *United States v. McCarns*, 2022 WL 16551701, at *3-4 (E.D. Cal. Oct. 31, 2022) (denying compassionate release where defendant with stage 3 chronic kidney disease was fully vaccinated against COVID-19).

pursuant to 18 U.S.C. § 3582(c)(1)(A). Compassionate release was intended to provide a “safety valve” in situations where a defendant’s circumstances had changed such that the length of continued incarceration no longer remained equitable. *United States v. Chen*, 48 F.4th 1092, 1098-99 (9th Cir. 2022). Ms. Stanley has not established the equities weigh in favor of her requested relief. Though it gives the Court no pleasure to require her to report to the BOP as previously ordered, it must do so.

III. CONCLUSION

For the reasons discussed above, the Court **ORDERS**:

1. Ms. Stanley’s Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A), (Doc. 80), is **DENIED**.

2. As ordered previously (Doc. 75 at 2, Doc. 79), Ms. Stanley **SHALL** report to the facility designated by the BOP no later than noon on January 31, 2025, or if no such institution has been designated, then to the United States Marshal in Fresno, California.

IT IS SO ORDERED.

Dated: **January 21, 2025**


UNITED STATES DISTRICT JUDGE